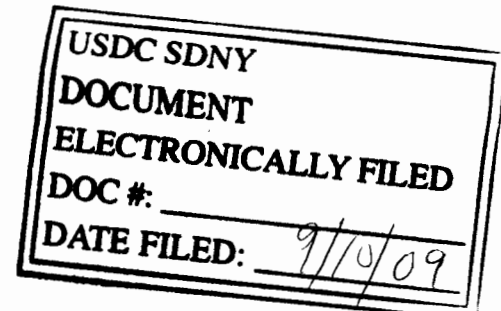


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JOMAR VALENTIN,

Plaintiff,

-v.-

ELRAC INC. et al.,

Defendants.
-----X

:
:
:
: PRETRIAL ORDER

:
: 09 Civ. 1747 (DAB) (GWG)
:
:

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

After consultation with the counsel for defendant (plaintiff having failed to appear), the following scheduling order is adopted by the Court pursuant to Fed. R. Civ. P. 16:

1. All requests for documents and interrogatories pursuant to Local Civil Rule 33.3(a) shall be served by September 24, 2009.
2. All non-expert discovery shall be commenced in time to be completed by March 10, 2010.
3. Disclosure of the identities and reports of experts, if any, as required by Rule 26(a)(2)(A) and (B) will be made by April 12, 2010.

The disclosure of identities and reports of any expert intended by an opposing party solely to contradict or rebut previously-disclosed expert evidence shall be made by May 10, 2010.

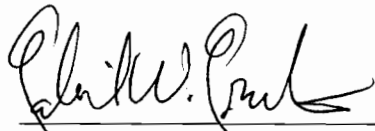
4. Depositions of experts shall be completed by May 24, 2010.
5. No discovery shall take place after May 24, 2010.
6. The parties shall inform each other in writing by May 24, 2010 whether either intends to file a dispositive motion.

7. Any dispositive pretrial motions shall be filed by June 11, 2010.¹
8. If no party states its intention to file a dispositive pre-trial motion, plaintiff(s) will supply pretrial order materials to defendant(s) in accordance with the requirements of the rules of the assigned District Judge on or before June 11, 2010. The pre-trial order shall be filed within 15 days thereafter. If, however, a dispositive motion is served on or before the date in the previous paragraph, the due date of the plaintiff's portion of the pretrial order materials shall be extended to 30 days following decision on the dispositive motion and the pretrial order shall be filed within 15 days thereafter.
9. All discovery (including requests for admission and any applications to the Court with respect to the conduct of discovery) must be initiated in time to be concluded by the deadline for all discovery. Any application for an extension of the time limitations herein must be made as soon as the cause for the extension becomes known to the party making the application. The application also must state the position of all other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of this Order. 'Good cause' as used in this paragraph does not include circumstances within the control of counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions.
10. All applications to the Court must comply with this Court's Individual Practices, which are available through the Clerk's Office or at: http://www1.nysd.uscourts.gov/judge_info.php?id=67 . Discovery applications -- that is, any application or motion pursuant to Rules 26 through 37 or 45 -- not only must comply with ¶ 2.A. of the Court's Individual Practices but also must be made promptly after the cause for such an application arises. In addition, absent extraordinary circumstances no such application will be considered if made later than 30 days prior to the close of discovery. Untimely applications will be denied.

SO ORDERED.

Dated: New York, New York
September 10, 2009

¹The parties shall follow the rules of the assigned District Judge with respect to any filing or other requirements for motions. In the event the assigned District Judge requires a pre-motion conference prior to the filing of a dispositive motion, the party must make a request in writing for such a conference by the above date and shall not serve or file the motion until the party has received instructions from the assigned District Judge with respect to the due date for the motion.



GABRIEL W. GORENSTEIN
United States Magistrate Judge